

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DONALD L. THRELKELD,

Plaintiff,

v.

SMURFIT STONE,

Defendant.

ORDER

12-cv-77-wmc

Plaintiff Donald Threlkeld has filed a proposed civil complaint. Plaintiff has asked for leave to proceed *in forma pauperis* and has supported his request with an affidavit of indigency. The standard for determining whether plaintiff qualifies for indigent status is the following:

- From plaintiff's annual gross income, the court subtracts \$3700 for each dependent excluding the plaintiff.
- If the balance is less than \$16,000, the plaintiff may proceed without any prepayment of fees and costs.
- If the balance is greater than \$16,000 but less than \$32,000, the plaintiff must prepay half the fees and costs.
- If the balance is greater than \$32,000, the plaintiff must prepay all fees and costs.
- Substantial assets or debts require individual consideration.

In this case, plaintiff has one dependant and his monthly income is \$1092. His wife's monthly income is \$1200. Under Wisconsin's marital property laws, plaintiff's wife's income is considered to be plaintiff's as well. Thus, plaintiff has a monthly income totaling \$2292, which makes his annual income \$27,504. Plaintiff's balance comes to \$24,104 after subtracting \$3400 for each dependent. Because plaintiff's income falls in the \$15,000 to \$28,000 range,

he must prepay half the fees and costs. If he wishes to proceed with this action, he will have to pay \$175, which is half of the \$350 filing fee.

ORDER

IT IS ORDERED that plaintiff Donald Threlkeld may have until February 22, 2012, in which to submit the \$175 prepayment of the filing fee for this lawsuit. If, by February 22, 2012, plaintiff fails to submit this prepayment, the clerk of court is directed to close this case without prejudice to plaintiff's filing this case at a later date.

Entered this 3rd day of February, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge